

REMARKS

Claims 1-3, 5 and 10-12 are pending in this application.

By this Amendment, claim 1 is amended to further clarify the subject matter therein.

Thus, no new matter is added by this amendment.

Entry of the amendments is proper under 37 CFR §1.116 since the amendments:

(a) place the application in condition for allowance for the reasons discussed herein; (b) do not raise any new issue requiring further search and/or consideration since the amendments amplify issues previously discussed throughout prosecution; (c) do not present any additional claims without canceling a corresponding number of finally rejected claims; and (d) place the application in better form for appeal, should an appeal be necessary. The amendments are necessary and were not earlier presented because they are made in response to arguments raised during the December 8, 2004 Examiner interview. Entry of the amendments is thus respectfully requested.

Applicants appreciate the courtesies shown to Applicants' representative by Examiner Royal in the December 8, 2004 personal interview. Applicants' separate record of the substance of the interview is incorporated into the following remarks.

I. Information Disclosure Statement

Applicants filed Information Disclosure Statements (IDSs) on June 8, 2004, June 16, 2004 and November 29, 2004. Applicants have not yet received the Forms PTO-1449 for each of the IDSs acknowledging that the references cited therein have been considered by the Patent Office. Applicants respectfully request the Examiner to initial each reference cited in the Forms PTO-1449 as having been considered and return the executed forms to Applicants.

II. Allowable Subject Matter

Applicants thank the Examiner for the indication that claims 10 and 11 are allowed and that claim 5 contains allowable subject matter.

III. Rejection Under 35 U.S.C. §102(b)

Claims 1-3 and 12 were rejected under 35 U.S.C. §102(b) over U.S. Patent No. 5,380,262 (hereinafter "Austin").* This rejection is respectfully traversed.

Austin teaches a walker with a seat formed of two hinged connected panels whereby the seat may be folded in half. (See panel sections 56 and 58 in the Figures and see the Abstract of Austin). The structure of the walker disclosed by Austin requires that the panels 59 of the seat be attached directly in the center of the seat. See the Figures of Austin. Accordingly, the panels 59 that make up the seat taught by Austin are always attached. When folded, the panel sections 56 and 58 cannot be separated from each other, and thus they cannot be removed from the area where a person using the walker is standing or walking. Furthermore, the panel sections 56 and 58 are folded only when a chair and the walker device 10 is folded. Thus, when the panel sections are folded, a handicapped person cannot use the device. That is, the configuration of Austin teaches away from seat plate portions that are separably removed from the area where the legs of the walking user move when the user walks using the vehicle, as recited in claim 1.

Furthermore, the configuration of Austin teaches away from a seat plate that is pivotable about a predetermined axis wherein the seat plate is projected to an area where the legs of the walking user move by pivoting the seat plate, as recited in claim 2.

During the December 8, 2004 interview, the Examiner acknowledged that Austin does not anticipate claim 1 at least because the seat portions of the walker taught by Austin are not separably removed from the area where the legs of the walking user move when the user walks using the vehicle.

* The Office Action references "Duke" in its rejection of claims 1-3 and 12. As confirmed by the Examiner during the December 8 interview, the term "Duke" is a typographical error and should instead read "Austin."

For the foregoing reasons, Applicants submit that claim 1 and the claims dependent therefrom are in condition for allowance. Reconsideration and withdrawal of the rejection are thus respectfully requested.

IV. Conclusion

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-3, 5 and 10-12 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



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